

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA
CONCERNING
THE IMPOSITION OF IMPORT RESTRICTIONS
ON CATEGORIES OF ARCHAEOLOGICAL MATERIAL FROM
THE PALEOLITHIC PERIOD THROUGH THE TANG DYNASTY
AND MONUMENTAL SCULPTURE AND WALL ART
AT LEAST 250 YEARS OLD**

The Government of the United States of America and the Government of the People's Republic of China;

Acting pursuant to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, to which both countries are States Party; and

Desiring to reduce the incentive for pillage of irreplaceable archaeological material representing the rich cultural heritage of China;

Have agreed as follows:

ARTICLE I

1. The Government of the United States of America, in accordance with its legislation entitled the Convention on Cultural Property Implementation Act, shall restrict the importation into the United States of archaeological material originating in China and representing China's cultural heritage from the Paleolithic Period through the end of the Tang Dynasty (A.D. 907), and of monumental sculpture and wall art at least 250 years old; including categories of metal, ceramic, stone, textiles, other organic material, glass, and painting identified on a list to be promulgated by the United States Government (hereinafter known as the "Designated List"), unless the Government of the People's Republic of China issues a license or other documentation which certifies that such exportation was not in violation of its laws. For the purposes of this Memorandum of Understanding, the restricted Paleolithic objects date from approximately 75,000 BC.

2. The Government of the United States of America shall offer for return to the Government of the People's Republic of China any material on the Designated List forfeited to the Government of the United States of America.

3. Such import restrictions shall become effective on the date the Designated List is published by the Department of Homeland Security in the U.S. Federal Register, the official United States Government publication providing fair public notice.

ARTICLE II

1. Representatives of the Government of the United States of America and representatives of the Government of the People's Republic of China shall regularly publicize this Memorandum of Understanding and the reasons for it through available outlets of communication.

2. The Government of the People's Republic of China shall expand efforts to educate its citizens about the long term importance of safeguarding its rich cultural heritage and that of other countries, a principle embodied in the 1970 UNESCO Convention.
3. The Government of the People's Republic of China shall use its best efforts to make use of surface surveys in order to inventory sites, and to broaden archaeological research and enhance public awareness of its importance.
4. The Government of the People's Republic of China shall use its best efforts to increase funding and professional resources for the protection of cultural heritage throughout the country.
5. The Government of the People's Republic of China shall take measures to improve the effectiveness of its customs officers, in order to: (1) stop the illicit exportation of cultural property at borders and ports; and (2) recognize Chinese archaeological material and its value to the heritage. The Government of the United States of America shall use its best efforts to improve the ability of its customs officers to recognize Chinese archaeological material and, as appropriate, facilitate assistance to China for the training of its customs officers.
6. The Government of the People's Republic of China shall make every effort to stop archaeological material looted or stolen from the Mainland from entering the Hong Kong Special Administrative Region and the Macao Special Administrative Region with the goal of eliminating the illicit trade in these regions.
7. The Government of the United States of America recognizes that the Government of the People's Republic of China permits the international interchange of archaeological materials for cultural, educational and scientific purposes to enable widespread public appreciation of and legal access to China's rich cultural heritage.

The Government of the People's Republic of China agrees to use its best efforts to further such interchange in the following ways:

- (1) promote long-term loans of archaeological objects of significant interest to a broad cross-section of American museums for public exhibition, education, and research purposes;
- (2) promote increased institution-to-institution collaboration in the field of art history and in other humanistic and academic disciplines relating to the archaeological heritage of China;
- (3) promote the exchange of students and professionals in such fields as archaeology, art history, conservation, museum curatorial practices, and cultural heritage management between appropriate Chinese and U.S. institutions; and
- (4) facilitate the granting of permits to conduct archaeological research in China.

8. The Government of the United States of America shall use its best efforts to facilitate technical assistance to the Government of the People's Republic of China in pursuit of preserving its cultural heritage by such means as creating a national preservation strategy, improving rescue archaeology, stabilizing and restoring sites/buildings, enhancing the capacity of museums to preserve and exhibit collections, and strengthening regulation of the "cultural relics" market.

9. The Government of the People's Republic of China shall continue to license the sale and export of certain antiquities as provided by law and will explore ways to make more of these objects available licitly.

10. Recognizing that, pursuant to this Memorandum of Understanding, museums in the United States will be restricted from acquiring certain archaeological objects, the Government of the People's Republic of China agrees that its museums will similarly refrain from acquiring such restricted archaeological objects that are looted

and illegally exported from Mainland China to destinations abroad, unless the seller or donor provides evidence of legal export from Mainland China or verifiable documentation that the item left Mainland China prior to the imposition of U.S. import restrictions. This will apply to purchases made outside Mainland China by any museum in Mainland China and only to the categories of objects representing China's cultural heritage from the Paleolithic Period through the end of the Tang Dynasty (A.D. 907), and monumental sculpture and wall art at least 250 years old, as covered by this Memorandum of Understanding.

11. The Government of the People's Republic of China shall seek to improve regulation of its internal market for antiquities.

12. Both Governments agree that, in order for United States import restrictions to be most successful in thwarting pillage, the Government of the People's Republic of China shall endeavor to strengthen regional cooperation within Asia for the protection of cultural patrimony; and, in the effort to deter further pillage in China, shall seek increased cooperation from other importing nations to restrict the import of looted archaeological material originating in China.

13. To strengthen the cooperation between the two countries, the Government of the People's Republic of China shall regularly provide the Government of the United States with information concerning the implementation of this Memorandum of Understanding; and, as appropriate, the Government of the United States shall provide information to the Government of the People's Republic of China that strengthens the ability of both countries to enforce applicable laws and regulations to reduce illicit trafficking in cultural property.

ARTICLE III

The obligations of both Governments and the activities carried out under this Memorandum of Understanding shall be subject to the laws and regulations of each country, as applicable, including the availability of funds.

ARTICLE IV

1. This Memorandum of Understanding shall enter into force upon signature. It shall remain in force for a period of five years.
2. This Memorandum of Understanding may be amended or extended upon written agreement of the two Governments.
3. The effectiveness of this Memorandum of Understanding shall be subject to review in order to determine, before the expiration of the five year period of this Memorandum of Understanding, whether it should be extended.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed the present Memorandum of Understanding.

DONE at Washington, in duplicate, this 14th day of January, 2009, in the English and Chinese languages, both texts being equally authentic.

**FOR THE GOVERNMENT OF
THE UNITED STATES OF AMERICA:**

**FOR THE GOVERNMENT OF
THE PEOPLE'S REPUBLIC
OF CHINA:**